

**Enrolled Minutes of the Twenty-Third Regular or Special Meeting  
For the Twenty-Eighth Highland Town Council  
Regular Meeting  
Monday, November 14, 2016**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 14, 2016 at 6:44 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the special orders involving the use variance petitions referred to the Town Council by the Advisory Board of Zoning Appeals. The discussion particularly concerned the use variance for the construction of a Luke Oil, convenience store, car wash and gasoline station to be located on property located 10430-10434 Indianapolis Boulevard, Highland. It was noted that the Town of Schererville had contacted the Town regarding the matter.

The study session ended at 6:59 O'clock p.m.

*Regular meeting.* The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 14, 2016 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Town Council President, Bernie Zemen, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Town Council President reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner, and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Jared Tauber, Esq., Tauber Law Offices; John Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director, were present.

*Also present:* Randy Bowman, Assistant Inspector for Electrical Code; Susan Murovic, Advisory Board of Zoning Appeals; and Ed Dabrowski IT Director (Contract) were also present.

*Additional Persons Present.* Gary Torrenge, P.E., L.S., of Torrenge Engineering, representing the use variance petitioner seeking to construct personal "u-lock storage" facilities, was also present.

**Minutes of the Previous Session:**

The Minutes for October 24, 2016 were approved by general consent.

**Special Orders:**

1. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 10412 Kennedy Avenue, **Highland**, to allow use of the property to host a U-Lock storage personal storage facility in property which is currently zoned as R-1A Single Family Residential District. Petitioner: **Big Star Development c/o Gary Torrenga, P.E., 907 Ridge Road, Munster, Indiana 46321**. The Advisory Board of Zoning Appeals by a vote of four (4) affirmatives and one (1) negative acted to advise the legislative body with an **unfavorable recommendation for the request for the use variance** for the property. The ABZA acted at its meeting of 28 September 2016. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 26 October 2016. (90 days ends 27 December 2016).
- A letter from Lydia Shotts, 10226 Kennedy Avenue, Highland, Indiana, expressing her opposition to the granting of the use variance was acknowledged.

*Pursuant to IC 36-7-4-918.6, the Town Council may either accept the unfavorable recommendation and DENY the requested use variance or it may reject (over rule) the unfavorable recommendation and GRANT the use variance. If not acted upon by the Town Council within the 90 days described above, the advisory action of the Advisory Board of Zoning Appeals stands.*

Councilor Herak moved to accept the unfavorable recommendation and deny the use variance. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was denied.

2. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 10430-10434 Indianapolis Boulevard, **Highland**, to allow use of the property to host a gasoline station/convenience store/wash in property which is currently NOT a corner lot, which is currently not a permitted use at such a location. Petitioner: **Duke of OIL, c/o Kal Patel, 8202 Calumet Avenue, Munster, Indiana 46321** . The Advisory Board of Zoning Appeals by a vote of three (3) affirmatives and two (2) negatives acted to advise the legislative body with a **favorable recommendation for the request for the use variance** for the property. The ABZA acted at its meeting of 28 September 2016. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 26 October 2016. (90 days ends 12 December 2016).

*Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and GRANT the requested use variance or it may reject (over rule) the favorable recommendation and DENY the use variance. If not acted upon by the Town Council within the 90 days described above, the advisory action of the Advisory Board of Zoning Appeals stands.*

Councilor Herak moved to lay on the table the consideration of the Use Variance for property located at 10430-10434 Indianapolis Boulevard. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The matter was laid on the table.

It was noted that the issue would be discussed at the next Study Session.

**Staff Reports:** The following staff reports were received and filed.

- **Building & Inspection Report for October 2016**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00

Commercial Additions or Remodeling:	5	0	5	\$597,147.00	\$7,625.00
Signs:	6	0	6	\$88,316.00	\$2,498.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	1	1	0	\$542,805.00	\$10,163.00
Residential Remodeling:	94	94	0	\$49,730.00	\$745.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	4	4	0	\$9,100.00	\$429.50
Decks & Porches:	4	4	0	\$25,796.00	\$645.00
Fences:	7	7	0	\$27,660.00	\$764.00
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	4	4	0	\$26,900.00	\$530.50
Miscellaneous	3	1	2	\$1,000.00	\$373.50
<b>TOTAL:</b>	<b>128</b>	<b>115</b>	<b>13</b>	<b>\$1,368,454.00</b>	<b>\$23,775.00</b>
<b>Electrical Permits</b>	<b>26</b>	<b>18</b>	<b>8</b>		<b>\$2,462.50</b>
<b>Mechanical Permits</b>	<b>19</b>	<b>17</b>	<b>2</b>		<b>\$1,369.50</b>
<b>Plumbing Permits</b>	<b>9</b>	<b>4</b>	<b>5</b>		<b>\$1,224.85</b>
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm Taps</b>	<b>2</b>	<b>0</b>	<b>2</b>		<b>\$1,000.00</b>
<b>TOTAL Plumbing:</b>	<b>11</b>	<b>4</b>	<b>7</b>		<b>\$2,224.85</b>

**October Code Enforcement:**

Investigations: 115  
 Citations: 05

**October Inspections:**

Building: 26      Electrical: 18      Plumbing: 07      HVAC: 24  
 Electrical Exams: 3

**• Building & Inspection Report for September 2016**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	1	0	1	\$1,296,000.00	\$14,609.00
Commercial Additions or Remodeling:	5	0	5	\$148,359.00	\$2,043.00
Signs:	3	0	3	\$39,800.00	\$448.50
Single Family:	1	1	0	\$272,000.00	\$3,224.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	77	77	0	\$572,156.00	\$9,336.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	1	1	0	\$2,595.00	\$95.00
Decks & Porches:	2	2	0	\$7,300.00	\$406.00
Fences:	14	14	0	\$40,047.00	\$1,374.00
Swimming Pools:	1	1	0	\$0.00	\$73.00
DrainTile/ Waterproofing:	6	6	0	\$34,078.00	\$731.50
Miscellaneous	3	1	2	\$0.00	\$284.50

<b>TOTAL:</b>	<b>114</b>	<b>103</b>	<b>11</b>	<b>\$2,412,335.00</b>	<b>\$32,624.50</b>
Electrical Permits	17	16	1		\$1,479.00
Mechanical Permits	17	17	0		\$1,382.50
Plumbing Permits	10	7	3		\$1,353.85
Water Meters	3	2	1		\$815.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	2	1	2		\$800.00
<b>TOTAL Plumbing:</b>	<b>15</b>	<b>10</b>	<b>5</b>		<b>\$2,968.85</b>

**September Code Enforcement:**

Investigations: 173  
Citations: 07

**September Inspections:**

Building: 33    Electrical: 17    Plumbing: 11    HVAC: 11  
Electrical Exams: 2

• **Fire Department Report for October 2016**

	Month	2 <sup>nd</sup> half of year
General Alarms	11	39
Still Alarms	04	12
Paid still alarms	36	132
<b>Total:</b>	<b>51</b>	

• **Workplace Safety Report for October 2016**

There were three incidents to report for October. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2016	Total in 2015	Restricted Days 2016	Lost Workdays This Year (2016)	Restricted Days Last Year (2015)	Lost Workdays Last Year (2015)
Parks	0	1	1	12	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	4	1	2	0	0	0
Street	1	1	2	0	0	0	0
Water & Sewer	1	5	4	14	0	5	0
Maint.	1	1	0	0	0	0	0
Other	0	0	1	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>12</b>	<b>9</b>	<b>28</b>	<b>0</b>	<b>5</b>	<b>0</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1637:** An Ordinance to Amend Chapter 12.15 of the Highland Municipal Code, Particularly Modifying or Amending Certain Provisions for Technical Clarity and Correctness, Repealing All Ordinances in Conflict.

Councilor Wagner introduced and filed Ordinance No. 1637. There was no further action.

2. **Appropriation Transfer Resolution No. 2016-39:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Park Non Reverting Capital Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2016-30. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
ENACTMENT NO. 2016-39

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the PARK NON REVERTING CAPITAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Park Non Reverting Capital Fund**; and

WHEREAS, It has been further determined that it would be of public utility and benefit to allow certain expenses related to the issuance of Park District Bonds of 2016 to be paid in advance of board allows from the **Park Non Reverting Capital Fund**; and

NOW, THEREFORE BE IT HEREBY RESOLVED by the TOWN COUNCIL of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That is has been shown that certain existing unobligated appropriations of the **Park Non Reverting Capital Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

PARK NON REVERTING CAPITAL FUND

Reduce Account:  
010-0000-43005-0012 Fencing Improvements \$ 1,500.00  
Total 400 Series Reductions \$ 1,500.00

Increase Account:  
010-0000-330.04-0017 Fiscal Advisory Services \$ 1,500.00  
Total 300 Series Increases \$ 1,500.00

Total of All Fund/Department Decreases: \$ 1,500.00  
Total of All Fund/Department Increases: \$ 1,500.00

DULY RESOLVED and ADOPTED this 14th day of November 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2016-37:** An Order Authorizing and Approving the First Change Order to the Construction Contract with Walsh & Kelly, Inc., related to the 3400 block of Condit Street Reconstruction Project, all Pursuant to I.C. 36-1-12-18.

Councilor Herak moved the passage and adoption of Works Board Order No. 2016-37. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**The Town of Highland  
Order of the Works Board No. 2016-37**

**An Order Authorizing and Approving the First Change Order to the Construction Contract with Walsh & Kelly, Inc. related to the 3400 block of Condit Street Reconstruction Project, all Pursuant to I.C. 36-1-12-18**

**Whereas**, the Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Condit Street, with the project commonly known as the 3400 block of Condit Street Reconstruction Project; and

**Whereas**, The Town Council has heretofore awarded a contract to Walsh & Kelly, Inc. for the Project on April 25, 2016 in the amount of Four Hundred Thirty-four Thousand Seven Hundred Eighty-eight Dollars and 07/100 Cents (\$434,788.07); and

**Whereas**, during the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

**Whereas**, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Walsh & Kelly, Inc., particularly in support of costs associated with several bid items, which has a net effect of increasing the contract cost by the amount of Four Thousand Six Hundred Eighty-one and 14/100 Cents (\$4,681.14); and

**Whereas**, the Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana acting as the Works Board:

**Section 1.** That Change Order No. 1 for the 3400 block of Condit Street Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

**Section 2.** That this first addendum is hereby ordered to be known as Change Order No. 1, issued to increase the net cost to the original agreement between the Town of Highland and Walsh & Kelly, Inc., in the amount of Four Thousand Six Hundred Eighty-one and 14/100 Cents (\$4,681.14), bringing the total value of the entire agreement with any and all change orders approved to date to Four Hundred Thirty-nine Thousand Four Hundred Sixty-nine Dollars and 21/100 Cents (\$439,469.21);

**Section 3.** That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract of Four Hundred Thirty-four Thousand Seven Hundred Eighty-eight Dollars and 07/100 Cents (\$434,788.07); which may not exceed Five Hundred Twenty-one Thousand Seven Hundred Forty-five Dollars and 68/100 Cents (\$521,745.68), all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered**

**Duly Passed and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of November, 2016 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 4. Works Board Order No. 2016-38:** An Order Authorizing and Approving An agreement between the Lake County Solid Waste Management District and the Town of Highland Regarding the Operation of a Material Management Facility.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2016-38. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**The Town of Highland  
Board of Works  
Order of the Works Board No. 2016-38**

**An Order Authorizing and Approving An agreement between the Lake County Solid Waste Management District and the Town of Highland Regarding the Operation of a Material Management Facility.**

**Whereas,** The Town of Highland, through its Town Council, which is the Works Board of the Municipality has been advised by the Public Works Director that the Lake County Solid Waste Management District, as part of its composting program, expressed interest in obtaining the necessary authorization to construct and operate a Material Management Facility, as permitted under IDEM registration on property owned by the Town of Highland;

**Whereas,** The Town has heretofore determined the public good of governmental cooperation and the promotion of community and regional ecology; and

**Whereas,** Lake County Solid Waste Management District, has presented an agreement regarding the construction and operation of a Material Management Facility, as permitted under IDEM registration on property owned by the Town of Highland; and

**Whereas,** The Town of Highland, through its Town Council, acting as the Works Board of the municipality, now desires to accept and approve the agreement as herein described,

**Now Therefore be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana acting as the Works Board:

**Section 1.** That the agreement presented by Lake County Solid Waste Management District regarding the construction and operation of a Material Management Facility, as permitted under IDEM registration on property owned by the Town of Highland, and affixed as an exhibit to this order, is hereby approved and adopted in all respects;

**Section 2.** That the proper officer be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

**Be it so Ordered.**

**DULY, PASSED, ADOPTED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of November 2016 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**EXHIBIT of the AGREEMENT**

**AGREEMENT**

This Agreement is made on \_\_\_\_\_, 2016 by and between the Lake County Solid Waste Management District, a governmental entity created under Indiana Code 13-21, hereinafter "District" and the Town of Highland, a municipality, hereinafter "Town", witnesseth:

The Town is the owner of certain real estate located within the municipal boundaries of the Town of Highland, County of Lake, State of Indiana, as described in Exhibit A, which is attached hereto and incorporated herein, and which shall be referred to hereinafter as the "Site"; and

The parties have determined that it is in their best interest for the Town to allow the District in cooperation with the Town to use a portion designated by the Town within the Site for operation of a Material Management Facility, as described in Exhibit B, which is attached hereto and incorporated herein, and which shall be referred to hereinafter as the "Facility".

Therefore, in consideration of the foregoing, the parties mutually agree as follows:

1. The Town hereby grants to the District permission to construct, operate, and maintain the Facility, subject to the terms and conditions hereinafter set forth, in, along, and upon the Site together with all reasonable rights of ingress and egress across adjoining lands owned by the Town necessary for the exercise of the rights herein granted. The Town shall retain all ownership rights and responsibilities for the Site, including that said use described herein is allowable and consistent therewith.
2. The District shall be responsible to file and obtain IDEM Registration for said site, and shall operate the Facility consistent with said Registration and any and all conditions set out therein.
3. The Town and the District may work together in the preparation of the Site, as may be agreed upon between the Town and the District.
4. The right of ingress and egress herein granted to the District across the Site shall be exercised and used in such a manner as not to cause any damage or destruction of any nature whatsoever to or interruption of the use of the Site or adjoining lands owned by the Town.
5. The parties agree that the use hereby granted shall be limited exclusively for a Material Management Facility as permitted under the IDEM Registration and uses incidental thereto.
6. The District agrees that it will indemnify and hold harmless the Town from all claims and actions in law and in equity which may arise out of, or as a consequence of the use by the District, or its authorized agents, servants or employees, in maintaining, repairing and utilizing the facility or premises, subject to applicable statutory tort claims limits. The District shall maintain insurance for this operation and shall name the Town as an additional insured.
7. The Town agrees that it will indemnify and hold harmless the District from all claims and actions in law and in equity which may arise out of, or as a consequence of the use by the Town, or its authorized agents, servants or employees, in working within and/or utilizing the Facility or Site, subject to applicable statutory tort claims limits. The Town shall maintain insurance for this operation and shall name the District as an additional insured.
8. The Town hereby reserves the right to use the premises in any manner that will not prevent or interfere with the exercise by the District of the rights granted hereunder; provided, however, that the Town shall not obstruct, or permit to be obstructed, the Site at any time whatsoever without the express prior written consent of the District, which consent shall not be unreasonably withheld.
9. The term of this Agreement shall be three (3) years, renewable every three (3) years thereafter by either party giving the other party thirty (30) day notice prior to the expiration of any term. Either party may terminate this Agreement upon ninety (90) day written notice at the other's principal office or such other place designated by either party. Upon termination, any material on site shall be the responsibility of the Town.
10. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties, their respective heirs, executors, administrators, successors, assigns and legal representatives.

In witness whereof, the parties have executed or have caused this instrument to be executed by their proper officers duly authorized to do so.

**Lake County Solid Waste Management District**

Attest:

\_\_\_\_\_

By: \_\_\_\_\_

**Town of Highland, Indiana**

By:

Attest:

\_\_\_\_\_  
Clerk-Treasurer

**EXHIBIT A**

See attached Aerial Map with parcel information and Site Plan.

**EXHIBIT B**

MATERIAL MANAGEMENT FACILITY  
LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT  
HIGHLAND, INDIANA

The following is information regarding the proposed Lake County Solid Waste Management District's Material Management Facility, hereinafter Facility, to be located in Highland, Indiana:

General location and operation:

The parcel upon which the Facility will operate and the surrounding area is shown on the map marked as Exhibit A, attached. The operational area upon which the compost will be managed is shown on the drawing marked as Exhibit A-1.

**At all times the Facility will be operated by personnel that are trained to operate a registered compost facility in the State of Indiana.**

Material proposed to be received:

1. **Leaves:** The District will accept leaves from the Town of Highland, a portion from the District's operation of its Leaf Collection program and such other vegetative material as is agreed between the parties and permitted under the IDEM Registration of the Facility. No other material other than the leaves and the other material described hereinafter will be accepted. The District will place the leaves and other material described herein in windrows which will be turned on a weekly basis or as necessary to properly manage the decomposition and transformation of the material into compost/soil amendment. The majority of leaves are expected to be received generally from October to December and from March through May.
2. **Wood.** Wood waste (tree trimmings, brush, branches) would also be received by the Facility. The wood would be run through a grinding operation using screens to properly size the product.
5. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance. *Assistant Public Works Director recommends the following:*

*(A) The hiring of **Kyle Rastovsky**, to the full-time position of Utility Tech in Public Works Department (Agency) at a rate of pay of \$17.55 per hour. This will not increase the full-time workforce greater than the authorized work force strength; and,*

*(B) The hiring of **Anthony Geranda**, to the full-time position of Driver C in Public Works Department (Agency) at a rate of pay of \$14.67 per hour. This will not increase the full-time workforce greater than the authorized work force strength; and,*

*(C) The hiring of **Trent Elmore**, to the full-time position of Driver C in Public Works Department (Agency) at a rate of pay of \$14.67 per hour. This will not increase the full-time workforce greater than the authorized work force strength;*

Councilor Kuiper moved to approve the full-time hiring as recommended by the Assistant Public Works Director. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The full-time hires were approved.

6. **Action regarding the Request of Joel Ratajack CEO of Rockopelli a Fundraiser for NWI Charities.** *At the Study Session of October 3 2016, the Town Council received a request to permit Rockopelli, which conducted its most recent event at Main Square Park to be permitted to conduct beer sales under a tent in the park for future events. The Town Council further considered the matter at its study session of October 17, 2016, where it was noted that if approved, an amendment of the current park code would be necessary.*
- *If the council determines to grant the request, the motion authorizing the activity should instruct that an ordinance making the proper amendment be drafted for the Town Council's consideration.*
  - *If the council determines to deny the request, the motion should be framed to deny the request.*

Councilor Herak moved to authorize the request to allow beer sales to be associated with the *Rockopelli Fund Raising Concert* Event at Main Square, subject to Park Board approval and further to instruct that the proper amending ordinance be prepared and submitted to the Town Council for its consideration and approval. Councilor Wagner seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Herak, Wagner and Zemen voting in the affirmative and Councilors Vassar and Kuiper voting in the negative, the motion passed. The request was authorized subject to Park Board approval and the adoption of the appropriate amending ordinance.

7. **Authorization for the Proper Officer to publish legal notice of a public hearing to be held on November 28, 2016, to consider proposed additional appropriations in excess of the Fiscal 2016 Budget of the Town of Highland in the Office of the Clerk-Treasurer of the Corporation General Fund, to be fully funded by corresponding reductions.**

Councilor Herak moved to authorize the proper officer to publish the proper legal notice of a public hearing to consider the proposed additional appropriations as indicated. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication of the notice for a public hearing was authorized.

**Comments or Remarks from the Town Council: (For the Good of the Order)**

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak had no report or comments.

- **Councilor Dan Vassar:** *• Liaison to the Park and Recreation Board.*

Councilor Vassar with leave from the Town Council, explained his vote opposing the request from the organizer of the Rockopelli Event. Councilor Vassar indicated that his rationale was limited to his opposition to selling any alcoholic beverages in the Town's parks.

Councilor Vassar acknowledged the Parks and Recreation Superintendent who reported on the Pumpkin Plod, the Tree Lighting and the Christmas Arts and Crafts Fair.

Councilor Vassar congratulated all Chicago Cubs Fans on the World Series Championship.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner also congratulated all Chicago Cubs Fans on the World Series Championship. He further wished all a Happy Thanksgiving.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison*  
• *Fire Department, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper concurred with Councilor Wagner.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison*  
• *IT Liaison* • *Redevelopment Commission Liaison.*

The Town Council President acknowledged the Building Commissioner who reported on the meeting rescheduling of the November meeting of the Plan Commission to December.

The Town Council acknowledged the Redevelopment Director who further reported the 13 facade improvement grants that have been issued. She further noted that the total amount of the grants is \$170,000 and it produced from the recipients approximately \$600,000 of property improvements.

#### **Comments from Visitors or Residents:**

1. Carol Kerr, 2815 Timberidge, Highland, Indiana, inquired about the adequacy of the salary for the Fire Chief. Ms. Kerr stated that she believed that the Fire Chief's salary was less than the salary of the Redevelopment Director, who she believed, also had a car as part of her compensation.

It was noted that the Redevelopment Director does not have an employer provided vehicle.

A colloquy between Councilor Vassar and Ms. Kerr included a Councilor Vassar's concern regarding the appropriateness of discussing the subject of any employee's compensation at a Town Council meeting.

2. Lydia Shotts, 10226 Kennedy Avenue, Highland, thanked the Town Council for its action denying the use variance request for 10412 Kennedy Avenue, **Highland**, to allow use of the property to host a U-Lock storage personal storage facility.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Wagner moved to allow the vendors accounts payable vouchers as filed on the pending **accounts payable docket, covering the period October 25, 2016 through November 14, 2016 and to ratify the payroll docket for the payday of October 28, 2016.** Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$518,881.58; Motor Vehicle Highway and Street (MVH) Fund, \$38,766.41; Local Road and Streets Fund, \$9,170.32; Law Enforcement Continuing Education, Training, and Supply Fund, \$2,081.00; Capital Projects Retainage Agency Fund, \$16,300.00; Flexible Spending Account Agency Fund, \$1,395.34; Insurance Premium Agency Fund, \$146,409.94; Information and Communications Technology**

**Fund, \$6,025.20; Solid Waste District Grant Fund, \$200.00; Civil Donation Fund, \$647.63; Special Events Non Reverting Fund, \$5,380.24; Police Pension Fund, \$63,469.42; Municipal Cumulative Capital Development Fund, \$34,873.57; General Improvement Fund, \$39,264.13; Traffic Violations and Law Enforcement Agency Fund, \$11,451.50; Gaming Revenue Sharing Fund, \$17,328.50; Total: \$911,644.78.**

**Payroll Docket for payday of October 28, 2016:**

**Council, Boards and Commissions, \$8,564.00; Office of Clerk-Treasurer, \$15,731.37; Building and Inspection Department, \$8,066.35; Metropolitan Police Department, \$106,008.00; Fire Department, \$31,426.63; Public Works Department (Agency), \$66,058.52 and 1925 Police Pension Plan Pension Fund, \$63,388.68; Total Payroll: \$299,243.55.**

**Announcement of Study Session.** The Town Council President announced a study session to immediately follow the plenary business meeting to discuss possible relocation of the public works facility.

**Adjournment of Plenary Meeting.** Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Wagner seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 14, 2016 was adjourned at 7:36 O'clock p.m. There was no study session following this meeting.

*Study Session.* The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular plenary meeting on Monday, November 14, 2016 at 7:46 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Mark Herak, Dan Vassar, Steve Wagner and Bernie Zemen were present. Councilor Konnie Kuiper was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Persons Attending:** John M. Bach, Public Works Director; and Cecile Petro, Redevelopment Director were also present.

**General Substance of Matters Discussed.**

1. The Redevelopment Director presented a survey of possible properties that may be useful for relocating the Public Works facility. She identified properties in the vicinity of the Industrial Park ranging from .344 acres to a single parcel with an area of 4.92 acres. She also discussed with the Town Council the prospect for acquiring property located to the north of the Strack and Van Til grocery store on Cline Avenue, between Kleinman and Cline Avenues, as a possible location.

It was noted that no one property was certain for acquisition. It was noted that the ownership of the property north of Strack and Van Til's was very concerned about the property values and the design aesthetic of any proposed facility. A conventional, industrial yard look was not desirable.

The Public Works Director discussed the amount of area he believed he needed, which was approximately 10 to 15 acres, he estimated.

It was determined that the Public Works Director would ascertain the actual need in terms of land area for any facility.

**Adjournment of Study Session.** There being no further business to be discussed, the Study Session following the regular plenary meeting of the Town Council of Monday, Monday, November 14, 2016 was adjourned at 8:20 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer